

GALVIN & PALMER

Sheldon Palmer (SP-9703)

Philip Furgang (PF-5654)

Stephanie Furgang Adwar (SA-1711)

630 Third Avenue

New York NY 10017

212-983-8900

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X 07 CV 9535 (RWS)

TIMOTHY GUSLER,

Plaintiff,

-against-

MATTHEW FISCHER, SALVATORE GUERRERI,
PETER J. LISTRO ASSOCIATES, LTD., UNISAR, INC.,
AVITA CORPORATION, TARGET CORPORATION,
TOYS "R US, INC., AMAZON.COM, INC.,
WAL-MART STORES, INC., and CHELSEA &
SCOTT, LTD. d/b/a ONESTEP AHEAD,

Defendants.

-----X

PLEASE TAKE NOTICE that, upon the affirmation of Sheldon Palmer, one of the attorneys for Defendants Peter J. Listro Associates, Ltd., Unisar, Inc., Target Corporation, Toys "R Us, Inc., Amazon.Com, Inc., Wal-Mart Stores, Inc. and Chelsea & Scott, Ltd., the undersigned will move this court, in the United States Courthouse, 500 Pearl Street, New York NY 10007 on Wednesday, January 30, 2008, at 12:00 in the forenoon for an order dismissing Counts Two, Three, and Six pursuant to *Fed. R. Civ. P.* 12(b)(6) and, upon consent of the court, 56 for failure to state a claim upon which relief can be granted and such other and further relief as to the court seems just.

Dated: New York, New York

January 3, 2008

PETER J. LISTRO ASSOCIATES, LTD.,
UNISAR, INC., TARGET CORPORATION,
TOYS "R US, INC., AMAZON.COM, INC.,
WAL-MART STORES, INC., and
CHELSEA & SCOTT, LTD.

By their attorneys:

/Sheldon Palmer/
Sheldon Palmer (SP-9703)
GALVIN & PALMER
630 Third Avenue
New York, New York 10017
212-983-8900

And

/Philip Furgang/
Philip Furgang (PF-5654)
FURGANG & ADWAR, L.L.P.
1325 Avenue of the Americas – 28th Floor
New York, New York 10019
212-725-1818

January 3, 2008